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**NEVADA BOARD OF PAROLE COMMISSIONERS**

February 7, 2012

To: Lorne Malkiewich, Director, Legislative Counsel Bureau

From: Connie S. Bisbee, Chairman *CSB*

RE: Parole Board Quarterly Report of Actions October 1, 2011 through December 31, 2011.

Please find attached the Quarterly Report of Parole Board Actions for the period October 1, 2011 through December 31, 2011. This report is prepared in accordance with NRS 213.10887: "Board to compile, maintain, organize and tabulate information concerning decisions regarding parole."

This report is organized by sections as follows:

- Section 1: Summary of all parole decisions during the reporting period. Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions.
- Section 2: Summary of parole actions based on the parole guideline recommendation.
- Section 3: Summary of parole actions that deviate from the guideline recommendation.
- Section 4: Summary of parole actions by offense group.
- Section 5: Summary of the reasons for parole actions, including reasons for deviating from the parole guideline recommendation. Reasons for actions on individual cases are on file at the Carson City Office of the Parole Board and are available upon request.

# Table of Contents

Section 1. Summary of all parole decisions during the reporting period.....	3
Quarterly Totals .....	3
Percentage of Action by Gender .....	3
Section 2: Statistics of parole actions based on the parole guideline recommendation.....	4
Section 3: Summary of parole actions that deviated from the discretionary parole guideline .....	5
Section 4: Summary of parole actions by offense group .....	6
Section 5: Reasons for each parole action .....	7
Reasons for Denying Mandatory Parole Release (NRS 213.1215) .....	7
Reasons for Denying Discretionary Parole Release .....	8
Reasons for Denying Parole Release when the Guideline Suggests Parole Should be Granted .....	9
Reasons for Granting Mandatory Parole Release .....	10
Reasons for Granting Discretionary Parole Release:.....	11
Reasons for Taking No Action .....	12
Reasons for Recommending Discretionary Parole Release when the Guideline Recommends Denial .....	13

## Section 1. Summary of all parole decisions during the reporting period

### Quarterly Totals

Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions. Hearings that resulted in 'No Action' being taken and hearings resulting in the rescission of a parole as a result of ineligibility are also displayed in the following table.

	Male	Female	Total
Discretionary Parole Hearings	1168	155	1323
Discretionary Paroles Granted	719	133	852
Discretionary Paroles Denied	449	22	471
Mandatory Parole (MPR) Hearings	433	41	474
Mandatory Paroles Granted	246	30	276
Mandatory Paroles Denied	187	11	198
Discretionary Parole Violations Hearings	190	30	220
Discretionary Paroles Continued (Reinstated)	50	9	59
Discretionary Paroles Revoked	140	21	161
MPR Release Violation Hearings	31	4	35
MPR Violators Continued (Reinstated)	1	2	3
MPR Violators Revoked	30	2	32
Total Decisions	1822	230	2052
Total Grant/Continued	1016	174	1190
Total Denied/Revoked	806	56	862
Hearings with No Action	217	16	233
Rescissions (not eligible)	2	3	5

### Percentage of Action by Gender

Percent of Action by Gender	Male	Female	Total
Percent of Discretionary Parole Granted	62%	86%	64%
Percent of Mandatory Parole Granted	57%	73%	58%
Total Discretionary/MPR Grant Rate	60%	83%	62%

## Section 2: Statistics of parole actions based on the parole guideline recommendation

The following charts represent discretionary and mandatory parole actions based on the discretionary parole guideline. The MPR actions appear as reference only. The guideline for consideration for release under NRS 213.1215 (Mandatory Parole) is whether there is a reasonable probability that the prisoner would be a danger to public safety. When an inmate being considered for release under Mandatory Parole is denied, the underlying reason is the determination that there is a reasonable probability that the prisoner would be a danger to public safety if released on parole.

<b>Discretionary Parole Actions by Guideline Recommendation</b>			
	Granted	Denied	% Granted
Parole at Initial	159	18	90%
Parole at 1st or 2 <sup>nd</sup> Hearing	394	100	80%
Consider Factors	278	195	59%
Deny Parole	21	149	12%
	Granted	Denied	% Granted
Parole at Initial	31	3	91%
Parole at 1st or 2 <sup>nd</sup> Hearing	107	30	78%
Consider Factors	113	75	60%
Deny Parole	25	88	22%

### **Section 3: Summary of parole actions that deviated from the discretionary parole guideline**

The following represents the number of inmates who were denied parole when the guideline recommended parole should be granted (denials when the guideline recommends parole be granted at 1st or 2nd hearing would become a deviation when parole is denied at the 2nd hearing):

# of Actions to Deny Parole that Deviated:	19
Total Number of Discretionary Denials:	471
Percent of Deviation:	4.0%

The following represents the number of inmates who were granted parole when the guideline recommended parole should be denied:

# of Actions to Grant Parole that Deviated:	20
Total Number of Discretionary Grants:	852
Percent of Deviation:	2.3%

## Section 4: Summary of parole actions by offense group

The following charts represent parole actions by offense group as defined by the Department of Corrections. Offenses appearing in the "Sex" category include offenses such as "Prostitution with HIV," "Pandering" and "Failure to Register as a Sex Offender." Offenses that involved violence during the commission of the offense, but with an actual conviction title that would not by itself appear to be violent will not appear in the "Violence" offense group (i.e., a Burglary conviction that included striking a resident would appear in the "Property" offense group). Offenses appearing in the "Other" offense group includes offenses that can not be readily categorized into one of the other offense groups (i.e., Habitual Criminals, gaming related offenses and Victim over 65 Enhancement which could be a property or violent offense).

	Sex	Violence	Drug	Property	DUI	Other	Total
Reg Parole Hearings	121	395	265	396	55	91	1323
Reg Par Hearings Granted	60	195	218	288	35	56	852
Percent Favorable	50%	49%	82%	73%	64%	62%	64%

MPR Hearings	25	210	48	119	42	30	474
MPR Hearings Granted	13	108	37	71	31	16	276
Percent Favorable	52%	51%	77%	60%	74%	53%	58%

Total Parole Hearings	146	605	313	515	97	121	1797
Total Parole Grants	73	303	255	359	66	72	1128
Percent Favorable	50%	50%	81%	70%	68%	60%	63%

PV Hearings	13	48	41	119	8	26	255
PV's Reinstated	2	16	6	29	2	7	62
Percent Favorable	15%	33%	15%	24%	25%	27%	24%

Total	159	653	354	634	105	147	2052
Total Favorable	75	319	261	388	68	79	1190
Percent Favorable	47%	49%	74%	61%	65%	54%	58%

## **Section 5: Reasons for each parole action**

The following provides a summary of the reasons for each decision to grant, deny, continue or revoke parole, including reasons for deviating from the parole guideline recommendation.

When acting to grant or deny parole, more than one reason may be selected. Reasons for each specific case are available upon request in the Carson City office of the Board of Parole Commissioners.

When the "Other" reason is selected, written comments are manually entered. Those comments are also available upon request at the Carson City office of the Parole Board.

### ***Reasons for Denying Mandatory Parole Release (NRS 213.1215)***

<b><i>Frequency</i></b>	<b><i>Reason</i></b>
157	The parole guidelines indicate the prisoner is a high risk to re-offend.
3	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
22	The prisoner has made statements indicating he/she will refuse to comply with the terms and conditions of parole.
70	The prisoner has a history of convictions for violent crimes.
6	The prisoner has engaged in violent behavior while incarcerated.
6	The prisoner has been convicted of multiple felony offenses of driving under the influence of intoxicating liquor or a controlled substance.
11	The prisoner has previously committed crimes while on community supervision.
6	The criminal conduct of the prisoner has increased in severity over time.
4	The prisoner has demonstrated an attitude or behavior which indicates that the prisoner favors a criminal lifestyle (i.e., gang activities, planning escapes or other criminal activity, etc)
33	Other
318	Total

**Reasons for Denying Discretionary Parole Release**

<i>Frequency</i>	<i>Reason</i>
293	Prior prison term did not deter future criminal activity.
51	Prior conviction for a sexual offense.
251	Prior conviction for a violent offense.
268	Repetitive criminal conduct.
204	Significant prior criminal history.
53	Disruptive institutional behavior, or poor disciplinary record.
12	The prisoner was evaluated in accordance with NRS 213.1214 (psych panel) and was determined to be a high risk to re-offend.
31	Multiple prior parole/probation revocations.
81	Nature of criminal record is increasingly more serious.
67	Crime was targeted against a child or person at greater vulnerability because of age/disability.
264	Impact on victim(s) and/or community.
6	The extreme or abnormal aspects of the crime.
3	Inmate has indicated an unwillingness to comply with the terms of parole.
215	Risk factors indicate the inmate is a high risk to commit a new felony.
1	Refusal to participate in a treatment program.
9	Removal from community supervision program.
145	Parole Guideline recommends parole denial and other factors do not indicate the Board should deviate from the guideline.
10	Other:
1	The prisoner has made threats against another person and release to the community could jeopardize public safety.
14	Inmate refused to participate in the hearing process.
24	Inmate does not want parole, and requested to expire sentence.
42	Inmate was convicted of a new felony while serving a prior period of community supervision.
2,045	Total



**Reasons for Denying Parole Release when the Guideline Suggests Parole Should be Granted**

<i>Frequency</i>	<i>Reason</i>
15	Prior prison term did not deter future criminal activity.
1	Prior conviction for a sexual offense.
12	Prior conviction for a violent offense.
14	Repetitive criminal conduct.
15	Significant prior criminal history.
1	Disruptive institutional behavior, or poor disciplinary record.
3	Multiple prior parole/probation revocations.
2	Crime was targeted against a child or person at greater vulnerability because of age/disability.
5	Impact on victim(s) and/or community.
3	Inmate has indicated an unwillingness to comply with the terms of parole.
2	Other:
4	Inmate requested to expire sentence.
2	Inmate was convicted of a new felony while serving a prior period of community supervision.
79	Total

**Reasons for Granting Mandatory Parole Release**

<i>Frequency</i>	<i>Reason</i>
354	The inmate is eligible for release in accordance with NRS 213.1215 and the case factors do not suggest that the inmate would be a danger to public safety if released on parole.
354	Total

**Reasons for Granting Discretionary Parole Release:**

<i>Frequency</i>	<i>Reason</i>
603	The parole guideline recommends that parole be granted, and there are no serious reasons to deviate from the guideline recommendation.
165	The inmate has no prior or minimal criminal conviction history.
128	The inmate has a positive institutional record.
297	The inmate has participated in programs specific to addressing behavior that led to incarceration.
28	The inmate has adjusted in a positive manner to a work release program or other assignment as a community trustee.
48	The inmate has successfully completed a prior period of parole or probation.
243	The inmate has stable release plans.
133	There is a detainer lodged by other jurisdiction.
153	The inmate must serve a consecutive sentence.
72	Case factors suggest parole may be appropriate at this time.
337	There is community and/or family support
3	Other
2,210	Total

### **Reasons for Taking No Action**

<b>Frequency</b>	<b>Reason</b>
39	Inmate was moved after hearing date was set. Will be rescheduled upon publication of new eligibility list.
8	Inmate not eligible due to new felony conviction. Inmate will be re-scheduled when eligible.
22	Inmate was not available at the time of the hearing.
16	No action taken due to lack of information needed to make a recommendation.
6	The inmate has been convicted of an offense listed in NRS 213.1214(8), or has a current/past conviction for an offense listed in NRS 213.1214(11)(c). The Parole Board has requested that an evaluation be conducted in accordance with NRS 213.1214. A parole hearing will be re-scheduled and conducted once the Board is in receipt of the evaluation.
3	Prior action to deny parole.
5	Prior action to grant parole.
16	Inmate not eligible due to change or correction in sentence structure or credits earned/lost per NDOC Records.
53	The inmate is in the custody of another jurisdiction and not enough information was provided to make an informed decision to grant or deny parole.
9	The inmate is pending new criminal charges. Will be rescheduled once the new charges have been adjudicated.
11	The attorney appointed to represent the inmate during parole revocation proceedings was not present at the scheduled time.
22	The inmate needs an interpreter and one was not available for the hearing.
4	Inmate not given proper notice of the hearing.
3	Inmate not eligible for parole for reasons other than new sentence or credit adjustment
15	Inmate expired prior to eligibility.
1	Inmate or inmate's counsel requested a continuance
6	Inmate needs to be considered by three commissioners, and three were not available at the hearing.
23	Hearing continued until a psychological panel is conducted in accordance with NRS 213.1214.
1	Inmate expired after being scheduled, but before the hearing took place.
12	Other:
86	No PSI, or specific information related to the offense was available to the Board at the time of the hearing.
361	Total